



Image

1653

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors : Gideon Strassmann, et al.) Group Art Unit: 1653
)
)
Serial No. : 09/918,865) Examiner David Lukton
)
)
Filed : July 31, 2001)

For : TELLURIUM CONTAINING NUTRIENT FORMULATION AND
PROCESS FOR ENHANCING THE CUMULATIVE WEIGHT GAIN OR FEED EFFICIENCY
IN POULTRY

September 11, 2003

Mail Stop Non Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

SIR:

In response to the Office Action that was mailed August 18, 2003, the applicants elect, with traverse, Group 4, claims 6, 17 and 18. In response to the requirement for the election of a disclosed species, the compound ammonium trichloro (dioxoethylene-O,O') tellurate is elected, with traverse.

The Examiner has not shown that independent and distinct inventions are present as required by the provisions of 35 U.S.C. §121. The applicants have described their invention in generic terms pursuant to the statutory mandate that the applicant claim "the subject matter which the applicant regard to be their invention" (35 U.S.C. §112, second paragraph). The imposition of a restriction requirement on a generic invention that prevents the applicant from claiming the subject matter that the applicant regards as the invention is not proper. For these reasons, it is requested that this ground of invention be withdrawn.

An early and favorable action is earnestly solicited.

Respectfully submitted,


James V. Costigan
Registration No. 25,669

MAILING ADDRESS

HEDMAN & COSTIGAN, P.C.
1185 Avenue of the Americas
New York, New York 10036
(212) 302-8989

I hereby certify that this
correspondence is being
deposited with the United States Postal Service as
first class mail in an envelope addressed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450 on 9/11/03

